

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

United States of America

v.

Yolando Blount

Date of Original Judgment: 01/22/2014

Date of Previous Amended Judgment: N/A

(Use Date of Last Amended Judgment if Any)

Case No: 5:13-CR-00035-001

USM No: 96454-020

Clinton Alan Wheeler

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2) (Amendment 821)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by Amendment 821 to the *United States Sentencing Guidelines*, and having considered such motion, and taking into account the Policy Statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

(Complete Parts I and II of Page 2 when motion is granted)

The defendant was sentenced on January 22, 2024, to imprisonment as follows: 240 months each on Counts 3 and 31; 60 months each on Counts 9 and 18; 120 months each count on Counts 21, 24 and 33; 24 months each count on Counts 14, 27, 30 and 32. Counts 3, 9 and 14 were ordered to run consecutively and all other counts were ordered to run concurrently for a total imprisonment sentence of 324 months. Count 3 charged Wire Fraud in violation of 18 U.S.C. § 1343; Counts 9, 21 and 24 charged Theft of Public Money, in violation of 18 U.S.C. § 641; Counts 14, 27, 30 and 32 charged Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A; Count 18 charged Conspiracy, in violation of 18 U.S.C. § 371; Count 31 charged Mail Fraud, in violation of 18 U.S.C. § 1341; and Count 33 charged Access Device Fraud, in violation of 18 U.S.C. § 1029.

On November 1, 2023, amended Sentencing Guidelines went into effect that reduced criminal history "status points" (being under a criminal justice sentence at the time the offense is committed). Specifically, USSG §4A1.1(e) reduced the number of status points assessed to one point *if* the defendant receives seven or more points under subsections (a) – (d) and was under a criminal justice sentence at the time he committed the instant offense. In this case, the amendment is not applicable as the defendant was not assessed any criminal history "status points." Pursuant to USSG § 1B1.10(a)(2) (Reduction in Term of Imprisonment as a Result of Amended Guideline Range (Policy Statement)), a reduction in a defendant's term of imprisonment is not consistent with this policy statement and therefore is not authorized under 18 U.S.C. § 3582(c)(2) where the amendment does not have the effect of lowering the defendant's applicable guideline range. Because the defendant's advisory sentencing range remains unchanged, her Motion to Reduce Sentence (Doc. 130) is **DENIED**.

Except as otherwise provided, all provisions of the judgment dated 01/22/2014 shall remain in effect.

IT IS SO ORDERED.

Order Date: 4/12/2024

S/ Marc T. Treadwell

Judge's signature

Effective Date: _____
(if different from order date)

Marc T. Treadwell, Chief U.S. District Judge

Printed name and title